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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.1845/93

Date of decision: 14.09.1993.

Shri K.D.P. Sinha

...Petitioner

Versus

Union of India through the
Secretary (A.H.&D), Ministry
of Agriculture, Krishi Bhawan,
New Delhi & Anr.

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner

Shri G.B. Singh, Counsel.

For the respondents

None.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

We have heard Shri G.B. Singh, learned counsel for the petitioner. The petitioner was placed under suspension on 23.4.1993 by the President in exercise of the powers conferred by Rule 10 (I) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 on the ground that disciplinary proceedings against the petitioner are being contemplated. The petitioner made a representation to the President of India praying for review of the suspension order by the President on 4.6.1993. The learned counsel for the petitioner maintains that no appeal lies against the order of the President in accordance with Rule 22 of the C.C.S. (C.C.A) Rules, 1965. However, in accordance with Rule 23 of the C.C.S. (C.C.A.) Rules, 1965 a Government servant is allowed to prefer an appeal against the order of suspension made or deemed to have been made under Rule 10. Instruction No.17 in Chapter-2 of the C.C.S. (C.C.A.)

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Rules, 1965 (page 188 Swamy's compilation December, 1991) stipulates that:-

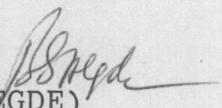
"2. It is implied that a Government servant placed under suspension should generally know the reasons leading to his suspension so that he may be able to appeal against it, if he so desires. Normally, the order placing him under suspension would itself contain a mention about disciplinary proceedings against him pending or a case against him in respect of criminal offence under investigation, inquiry or trial. Where, however, suspension is on the ground of 'contemplated' disciplinary proceedings, the reasons for suspension should be communicated to the Government servant immediately on the expiry of the time-limit prescribed for the issue of a chargesheet, viz., three months from the date of suspension, so that he may be in a position to effectively exercise the right of appeal available to him. The time-limit of forty-five days for submission of appeal in such cases will count from the date on which the reasons for suspension are communicated.

3. Under Rule 27 (1), the appellate authority should consider whether in the light of the provisions of Rule 10 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly. Such revoking is also covered under Rule 10 (5) (c)."

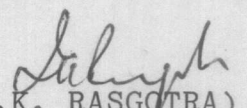
In the matter before us the suspension was ordered on 23.4.1993. The learned counsel for the petitioner submits that no chargesheet has been served nor any communication given to the petitioner indicating the precise reasons for placing him under suspension. As a period of over three months has since elapsed the respondents should have given a reply to the representation of the petitioner filed on 4.6.93. Even otherwise it was incumbent on the respondents to communicate him the detailed reasons for placing him under suspension within three months from the date he was placed under suspension. Since this has not been done, we consider it desirable to dispose of the present petition in which the only relief prayed for is regarding quashing of the suspension order and consequential benefits flowing from such revocation at the admission stage by giving a direction to the respondents to either serve a chargesheet on the petitioner or give a reply to his representation within a reasonable period of time. We consider 8 weeks' time as reasonable for this purpose from today. We are doing so as the petitioner would be attaining the age of superannuation in about six months' time. The respondents are accordingly directed to implement the above direction within a period of 8 weeks from today. We are aware that the O.A. is being disposed of with the above direction without giving a notice to the respondents. In that view of the matter, we leave it open to the respondents to approach the Tribunal with utmost expedition and preferably within four weeks from today, if there is any extenuating circumstances prevailing which prevent them from disposing of the representation of the petitioner within the time frame fixed above.

2. The O.A. is disposed of as above, at the admission stage itself. No costs.

3. A copy of this order be sent through a **special messenger to the respondents.**


(B.S. HEGDE)
MEMBER(J)

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(I.K. RASGOTRA)
MEMBER(A)